

11-28-2016

SB-16F-3062: Title V Revisions

Student Government Association University of North Florida

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SB-16F-3062: Title V Revisions

- 2 Whereas: The Student Government of the University of North Florida was established to represent student
3 concerns in all University wide matters, and;
- 4 Whereas: The Senate is the legislative body of the University of North Florida's Student Government given
5 the responsibility of carrying out such legislative acts that are necessary and proper for the Student
6 Body of the University of North Florida, and;
- 7 Whereas: The functions of the Judicial Branch are being inhibited by improper wording of dates, time
8 frames, the merit process, and questions on who prosecutes cases, and;
- 9 Whereas: Following these revisions, the Judicial Branch will be able to conduct their business in a more
10 efficient, orderly manner.
- 11 Therefore: This bill has been created to amend Title V to ensure that the Judicial Branch is in compliance
12 with their duties and responsibilities according to the below amendments.

TITLE V: THE JUDICIAL BRANCH

Chapter 500: Authority of the Judicial Branch

500.1 Judicial Review

In accordance with the Constitution, the Supreme Court shall have the power of Judicial Review over all Executive and Legislative Acts. This power shall include and be limited as prescribed by law.

500.2 Policies and Procedures

The Judicial Branch shall be responsible for the Judicial Policies and Procedures. The Judicial Policies and Procedures is a living document which may only be changed through a ~~standing rules~~simple majority vote of the Supreme Court.

Chapter 501: Composition of the Judicial Branch

501.1 The Judicial Branch shall be composed of:

A. Chief Justice

~~4.~~The Chief Justice shall be elected by the Supreme Court during the Spring semester to a term of one (1) year as outlined in the Judicial Policies and Procedures.

B. Deputy Chief Justice



SB-16F-3062: Title V Revisions

The Deputy Chief Justice shall be appointed by the Chief Justice and confirmed by the Supreme Court as outlined in the Judicial Policies and Procedures.

C. Five (5) Associate Justices

501.2 The Chain of Command

The chain of command shall consist of the Chief Justice, the Deputy Chief Justice, Senior Associate Justice (if applicable) and the Associate Justices in order of tenure.

501.3 Volunteer positions

The Chief Justice may create a volunteer position to assist the Supreme Court with clerical tasks. This volunteer position's title and duties shall be outlined in the Judicial Policies and Procedures. This position will exist at the discretion of the Chief Justice and may be dismissed at any time.

Chapter 502: Responsibilities of the Chief Justice

502.1 The Chief Justice, with majority approval of the Supreme Court, shall be able to remove from a case any Justice whom he/she deems to have a conflict of interest.

502.2 If the Chief Justice is unavailable to fulfill his or her duty of administering the "Oath of Office," it may be administered by another Justice of the Supreme Court or by the Senate President

502.3 The Chief Justice may dismiss the Deputy Chief Justice at any time for any reason. The Supreme Court may override the Chief Justice by a two-thirds (2/3) vote at the next regularly-scheduled Supreme Court meeting.

502.4 Other responsibilities of the Chief Justice shall be outlined in the Judicial Policies and Procedures.

Chapter 503: Responsibilities of the Deputy Chief Justice

503.1 The Deputy Chief Justice shall assume the duties of the Chief Justice in the event of his/her absence.

503.2 All Duties of the Deputy Chief Justice shall be outlined in the Judicial Policies and Procedures.

Chapter 504: Appointment to the Judiciary



SB-16F-3062: Title V Revisions

504.1 Any individual interested in joining the Judiciary shall fill out an application form and submit it to the President or proper designee.

504.2 In the event of a vacancy on the Judiciary, the President shall forward a qualified nominee to the Government Oversight Committee and the Senate.

504.3 The nominee shall present him or herself at the next Government Oversight Committee Meeting and Senate meeting, to receive majority approval of the aforementioned bodies. If appointed, the new justice shall be installed as outlined in Chapter 903 of these Statutes.

Chapter 505: Jurisdiction of the Court

505.1 Any University of North Florida student paying Activity and Service fees shall have the right to petition the Supreme Court to exercise the power of Judicial Review in any Student Government related matter within their jurisdiction.

505.2 In accordance with Article IV, Section 5 of the Constitution the power of Judicial Review shall extend to cover the actions of organizations operating under Student Government, a Student Government Officer, any person seeking office within Student Government or any legislative act enacted by Student Government.

505.3 In accordance with Article VI, Special Joint Resolutions that propose friendly amendments to the SG Constitution shall be submitted to the Supreme Court prior to the bill taking effect. The Supreme Court shall meet to discuss the proposed changes and determine if there is a conflict with the friendly definition stated in Article VI. If the changes are approved unanimously by the Supreme Court, the Special Joint Resolution shall take effect.

505.43 No member of the Judicial Branch shall be allowed to petition the Court for the exercise of Judicial Review.

505.45 Any and all judgments rendered in response to a legal and proper petition must be within the purview of the complaint.

Chapter 506: Judicial Review

506.1 The Supreme Court shall conduct hearings in response to petitions for Judicial Review.

506.2 General Judicial Review



SB-16F-3062: Title V Revisions

General Judicial Reviews may be filed when there is a discrepancy in Executive or Legislative action in which a student wishes the Judicial Branch to investigate further, issue a binding interpretation of appropriate Student Government Law, and/or reverse, or negate any official decision made by any Student Government official(s).

A. Petitions of General Judicial Review shall be filed with the Chief Justice and shall contain a case brief to be disseminated to the Justices immediately upon the Chief Justice receiving the petition.

B. All cases shall be reviewed by the Chief Justices for merit within three (3) business days. The Chief Justice must issue a written decision to the Court within three (3) business days. ~~inform the Court of their decision, in writing. If any three (3) or more Justices find merit in the case it shall proceed to a full hearing. Any member of the Court may petition to hold a vote within two (2) business days after the original filing of the petition to overrule the Chief Justice's decision on merit. The Court needs a simple majority to overrule the Chief Justice's decision.~~

C. Upon a finding of merit, the Chief Justice shall call a designated hearing before the Court to occur within ~~two (2) weeks~~ fifteen (15) business days of the original filing of the petition.

D. ~~The petitioning student shall facilitate a Student Remarks section of the hearing allotted by the Court allowing any student wishing to speak on the matter time to address the Court. Time allowances will be at the discretion of the Court.~~
~~Any corresponding respondents in a matter of General Judicial Review shall be designated by the Court and as such allotted an equal Student Remarks section of the hearing during which any student wishing to speak on the matter may address the Court. Time allowances will be at the discretion of the Court.~~

E. Judicial Review Hearings shall include a Student Remarks section. Time allowances will be at the discretion of the Court.

F. Further General Judicial Review procedures may be outlined in the Judicial Policies and Procedures.

506.3 Judicial Complaint

Judicial Complaints Reviews may be filed when an alleged violation of Student Government law has occurred ~~and shall be brought by the plaintiff(s).~~



SB-16F-3062: Title V Revisions

2 A. The student alleging that the violation occurred shall bring their complaint to the
3 attention of the Attorney General before filing with the Court. At this point the
4 Attorney General shall determine whether this complaint is an issue involving
5 the Student Body at Large or the interests of Student Government. If the
6 Attorney General determines that the complaint holds interest for the Student
7 Body at Large or the State of Student Government, then the Attorney General
8 may file and prosecute the complaint. If the Attorney General does not find the
9 abovementioned factors in the complaint, the Attorney General may leave it up
10 to the student as to whether or not they wish to file and prosecute the complaint.

11
12 B. In the event the Attorney General is unable to prosecute a Judicial Complaint,
13 the A&S fee paying student who files the Judicial Complaint will become the
14 petitioner of the Complaint. The complainant will have the option to appoint any
15 willing A&S fee paying student to assist them in proving their complaint.
16 ~~—The A&S Fee paying student who files a Judicial Complaint will be expected to~~
17 ~~prosecute the Judicial Complaint.~~

18
19 A.C. All Judicial Complaints shall be filed with the Chief Justice, including all
20 applicable evidence and case information in the form of a brief to be
21 disseminated to the Justices immediately upon the Chief Justice receiving the
22 petition.

23
24 B.D. All cases shall be reviewed by the Chief Justices for merit within three (3)
25 business days. The Chief Justice must inform the Court of their decision, in
26 writing. If any three (3) or more Justices find merit in the case it shall proceed to
27 a full hearing. Any member of the Court may petition to hold a vote within two
28 (2) business days after the Chief Justice makes a determination on the merit of
29 the Judicial Complaint to overrule the Chief Justice's decision on merit. The
30 Court needs a simple majority to overrule the Chief Justice's decision.

31
32 C.E. Upon a finding of merit, the Chief Justice shall call a designated hearing
33 before the Court to occur within ~~two (2) weeks~~ fifteen (15) business days of the
34 original filing of the complaint.

35
36 D.F. The plaintiff(s) and corresponding defendant(s) may elect student legal
37 counsel. If so, they must notify the Court upon the designation of a hearing date.
38 Counselors shall serve at the discretion of the parties directly involved, and as
39 such may be dismissed in writing to the Chief Justice at any time, for any reason.

40
41 E.G. Formal Hearing Guidelines shall be established by the Judicial Policies and
42 Procedures and shall govern the proceedings of all complaint cases.
43



SB-16F-3062: Title V Revisions

F. ~~Upon completion of the hearing, the Court shall release their decision within five (5) business days.~~

506.4 Procedural Matters

The procedure for all Judicial Review processes shall be defined with the Judicial Policyies and Procedures, as well as the Judicial Formal Hearing Guidelines.

Chapter 507: ~~Outcomes of Judicial Reviews~~ Decisions

507.1 Upon completion of the hearing, the Court shall release their decision within five (5) business days.

507.4.2 Repeal or reprieve of illegal actions

A. The Supreme Court has the power to repeal any legislation or action that has been deemed unconstitutional or against statute.

B. The Supreme Court has the power to reverse from any action that is in violation of the Student Government Constitution, Statute, or Policies and Procedures.

507.32 Freezing of A&S funds

A. The Supreme Court has the authority to freeze any and all use of A&S fee funds for the duration of an investigation after the successful initiation of a Judicial Review Process if the Chief Justice rules such an action relevant. The Chief Justice's decision may be appealed to the Supreme Court.

B. Cases in which the proceedings involve a Registered Student Organization or an individual acting on behalf of such an organization may result in the freezing of said organization's Activity and Service Fee funds.

507.43 Recommendation to the Senate for Senate action

The Supreme Court shall have the power to make recommendations to the Senate for senate action against the accused or the complaint in question.

507.54 Punitive Action



SB-16F-3062: Title V Revisions

The Supreme Court may impose reasonable punitive action against individuals found in violation of the Student Government Constitution, Statutes, and/or any of the Policies and Procedures, or any other governing document established therein.

Chapter 508: Appearance of Witnesses

508.1 Notice to Appear

The Chief Justice, and/or designee shall notify all parties designated by the Supreme Court of the occasion, time, and place of the proceedings and shall:

- A. Direct all student parties to appear before the Court at the time and place specified.
- B. Request all non-student parties to appear before the Court at the time and place so specified.

508.2 Failure by a student party to comply with the directive to appear before the Court, without reasonable cause, shall result in the initiation of non-compliance.

~~508.3 Cases in which the proceedings involve a Registered Student Organization or an individual acting on behalf of such an organization may result in the freezing of said organization's Activity and Service Fee funds.~~

Chapter 509: Student's Rights

509.1 Power of the Court

No right guaranteed by the Constitutions of the ~~Student Government of the University of North Florida, United States of America or the State of Florida~~ or by the Constitutions of the ~~United States or the State of~~ University of North Florida shall be abridged by any judicial proceeding.

509.2 Any ~~official(s) party~~ appearing before the Court shall have the following rights:

- A. To be given notice and explanation, both oral and written, of pertinent procedures, specific alleged violations, punitive measures that may result therefrom, and all rights guaranteed by Statutes.
- B. To present witnesses and evidence at said hearings.
- C. To ~~confront and~~ confront and cross-examine all witnesses involved in the proceedings.



SB-16F-3062: Title V Revisions

D. To receive a written explanation of the ~~council's~~ Supreme Court's decision and the rationale for the recommendation pursuant thereto.

Chapter 510: Partisanship

No member of the Judicial Branch shall actively or passively campaign or support any candidate for elective office, or act in any partisan manner. Members of the Judiciary may vote in Student Government elections.

Therefore: Let it be enacted that these amendments to Title V of the Student Government Constitution and Statutes be effective immediately.

Legislative Action

Author: Chief Justice Elisabeth Avilla
Sponsors: Chairman Warren Butler
Committee: Constitution and Statutes Committee
Committee Action: 6-0-0
Senate Action: 34-0-0
Date of Action: November 21st, 2016

Signed and Delivered to the Student Body President
on this 22nd day of Nov., 2016.

Place Time Stamp Here
NOV 22 PM 2:50

Signed

Dallas Burke, Student Senate President

Executive Action

Let it be known that SB-16F-3062 is hereby

APPROVED / VETOED

on this 28 day of November, 2016.

Signed,

Caleb Grantham, Student Body President

Signed and Delivered to the Senate Secretary

Place Time Stamp Here